

Olena Lokshyna, Daria Voronina-Pryhodii

ORCID: 0000-0001-5097-9171, 0000-0003-0545-1727

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# EUROPEAN INTEGRATION: CLASSIFICATION AND LEGAL STATUS OF CHILDREN FROM UKRAINE IN THE EU IN THE CONTEXT OF MIGRATION AND MOBILITY

INTEGRACJA EUROPEJSKA: KLASYFIKACJA I STATUS PRAWNY DZIECI  
Z UKRAINY W UE W KONTEKŚCIE MIGRACJI I MOBILNOŚCI

ЄВРОПЕЙСЬКА ІНТЕГРАЦІЯ: КЛАСИФІКАЦІЯ ТА ПРАВОВИЙ СТАТУС  
ДІТЕЙ З УКРАЇНИ В ЄС У КОНТЕКСТІ МІГРАЦІЇ ТА МОБІЛЬНОСТІ

## 1. Introduction

Since the start of Russia's full-scale invasion of Ukraine in February 2022, the European Regional Bureau of the UNHCR (Office of the United Nations High Commissioner for Refugees) has been systematically monitoring and publishing operational demographic statistics on the scale of forced displacement of Ukrainians. These data are based on statistics provided by national and regional authorities in recipient countries.

As of 1 July 2025, more than 5,082,800 refugees from Ukraine were registered in European countries, more than 560,560 outside Europe, and the total number of registered Ukrainian refugees worldwide was 5,643,360 (UNHCR, 2025).

There are 1.2 million such people in Germany, 988,000 in Poland, 385,000 in the Czech Republic, and 67,000 in Switzerland.

As of December 2024, women who left the country with their children accounted for 54%. The overall share of children among Ukrainian refugees decreased from 32% to 29% during the year, but children remain one of the most

vulnerable and numerous categories among the displaced population (Mykhailyshyna et al., 2024, pp. 22–24).

## 2. Research process

### 2.1. *The aim of this article*

The aim of this article is to develop a comprehensive categories classification of children in the context of migration and mobility who have been displaced from Ukraine as a result of full-scale war, and to analyse their legal status in EU host countries (in particular Germany and Switzerland) with a focus on ensuring their rights to education and integration.

### 2.2. *Research methods*

The following methods were used in this article. *Theoretical analysis and synthesis* to analyse the provisions of international law (the UN Convention on the Rights of the Child, the 1951 Convention relating to the Status of Refugees, the 1967 Protocol, EU Directive 2001/55/EC, EU Directives 2011/95/EU and 2013/33/EU, UN Guiding Principles on Internal Displacement), national legislation (Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”) and inter-agency guidelines of international organisations (UNHCR, IOM, UNICEF, IDAC) to identify and distinguish between the main categories of children in the context of migration.

*Classification and systematisation* were used to develop the author’s Comprehensive Classification of Categories of Children, which covers children in the host country with official status, children in a state of displacement/transit/undetermined status, as well as children who remain in their country of origin.

*Comparative legal analysis* to examine the legal mechanisms applicable to different categories of children (e.g., individual and derivative approaches to granting refugee status, temporary protection status in the EU and S status in Switzerland) to identify differences in protection procedures, access to education and integration.

*Analysis of statistical and analytical reports*, including the use of data from international organisations (Eurostat, UNHCR, UNICEF) to confirm the relevance and vulnerability of specific categories (e.g., data on stateless children and unaccompanied children).

*An interdisciplinary approach* has been used to combine the legal, humanitarian, social and educational aspects of child mobility in order to ensure a comprehensive reflection of situations and needs.

### 3. Results and discussion

#### *3.1. Theoretical and legal foundations for the classification of children in the context of migration*

In the UN Convention on the Rights of the Child (1989) (OHCHR, 1990, p. 2), the Convention Relating to the Status of Refugees (1951) (UNHCR, 2011, p. 6, 9), EU Directive 2001/55/EC on minimum standards for granting temporary protection (European Union, 2001), as well as in the glossaries of international organisations, including UNHCR (2008), IOM (2019), UNICEF (2023a) and UNESCO (2021), define the main categories of children in the context of migration. These include: 1) refugee children; 2) asylum-seeking children; 3) children under temporary protection; 4) unaccompanied minors; 5) internally displaced children; 6) migrant children.

Based on a joint decision by leading humanitarian organisations, including the International Committee of the Red Cross (ICRC), the United Nations International Children's Emergency Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and others, the distinction between two separate categories of children in the context of forced or involuntary mobility has been officially established: unaccompanied and separated children (International Committee of the Red Cross, 2004, pp. 12–13). At the same time, contemporary analytical documents prepared by UNICEF and partner organisations in connection with the war in Ukraine highlight another vulnerable category – children in alternative care (UNICEF, 2024, p. 3).

According to the approach of IDAC (Inter-Agency Data and Analysis Group on Children on the Move – an international group bringing together experts and analysts from leading international organisations, including Eurostat, IOM, OECD, UNHCR and UNICEF) IDAC. (n.d.), the term “children on the move” is used as a general concept covering a wide range of situations in which children are affected by migration and displacement. This approach allows for a comprehensive analysis of the vulnerabilities, needs and risks associated with the mobility of children, regardless of the nature or legal status of their movement.

The category of “children on the move” includes (UNICEF, 2023b, p. 1): 1) migrant children; 2) children in need of international protection (including refugees and asylum seekers); 3) internally displaced children; 4) children who remain in their country of origin when their parents or guardians migrate; 5) stateless children; 6) children who are victims of cross-border trafficking.

In the context of the full-scale war in Ukraine in 2022 official communications from the European Commission and EU member state governments also

use the term “those fleeing the war in Ukraine” to refer to Ukrainian citizens who have been forced to leave Ukraine as a result of military action and are seeking safety abroad (European Commission, 2022, p. 4). Scientific analysis of this category is also presented in contemporary Ukrainian studies, which emphasise its particular vulnerability, caused both by the traumatic experience of war and by problems of integration in host countries, particularly in the context of organising education for school-age children, most of whom, together with their mothers, have been granted asylum in EU countries; the priority is to integrate them into national education systems and mobilise both local teachers and educators who are also fleeing the war (Lokshyna et al., p. 7). As of 2025, this category is already regulated in EU legal and policy documents and classified under the broader groups of “refugee children”, “children under temporary protection”, and “children seeking asylum”, which are components of the international classification of “children on the move”.

### *3.2. Legal status of children from Ukraine in EU host countries*

In the context of researching the integration of children from Ukraine into secondary education in European countries, particular attention should be paid to the legal and practical understanding of the concept of a “refugee child”. Despite the widespread use of this term in official documentation of international organisations, national legislation and scientific sources, international law does not contain a separate legally established definition of a “refugee child”.

The key document regulating refugee status at the international level is the 1951 Convention Relating to the Status of Refugees (UNHCR, 2011) and the 1967 Protocol thereto (United Nations, 1967).

According to Article 1A(2) of the Convention, a refugee is a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” (UNHCR, 2011, p. 4).

This definition applies to both adults and children. In turn, the term “child” is defined in the 1989 UN Convention on the Rights of the Child as a person under the age of 18 (Article 1). Therefore, a “refugee child” is defined as a person under the age of 18 who has been granted refugee status in accordance with international or national law (OHCHR, 1990, p. 2).

It should be noted that in international practice there are two approaches to granting refugee status to children:

- individual approach – the child acts as a separate applicant in the procedure for granting refugee status. In this case, the application is submitted either by the child themselves (if they have reached the minimum age established by national legislation) or by their legal representative (e.g., guardian, lawyer or social worker). The case of a child shall be dealt with separately from that of his or her parents or other family members (UNHCR, 2020), p. 72);
- derivative approach – a child is granted refugee status on the basis that it has already been granted to one of their parents or legal representative (UNHCR, 2020), p. 230).

Therefore, the term “refugee child” is legally derived and used in international law enforcement practice, although it does not have an autonomous legal definition. Within the scope of this study, we will rely on the following definition.

*A refugee child* is a person under the age of 18 who has been forced to leave their country of origin due to war, persecution, violence or human rights violations, and who has been granted refugee status in accordance with the 1951 Convention Relating to the Status of Refugees and/or the national legislation of the host country. This status may be granted directly to the child or granted as a derivative status if the child’s parents or legal representatives have been granted the relevant status.

Among the key categories of children who are in host countries due to the mass displacement of people from Ukraine after the start of full-scale war in February 2022, children under temporary protection occupy a special place. This form of international protection was activated on 4 March 2022 by the Council of the EU on the basis of Council Directive 2001/55/EC, which provides for temporary protection and allows for legal residence, access to housing, healthcare, social protection, and access to education for children (European Commission, n.d.). Temporary protection is granted without the need to go through the standard asylum procedure, which greatly simplifies the integration process and reduces the administrative burden on host countries.

According to the provisions of Directive 2001/55/EC (Article 14), children under temporary protection have the right to access the education system on the same terms as citizens of an EU Member State (European Union, 2001, p. 16). This provision ensures the rapid integration of such children into formal school education.

It should be noted that the legal status of temporary protection is clearly limited in time (Article 14) (initially up to one year with the possibility of extension to three years), and its application is regulated by the domestic legislation of

each Member State. Temporary protection for persons displaced from Ukraine has already been extended three times and was due to expire in March 2026, but the total number of registered persons benefiting from temporary protection remains stable at over 4 million, with only a small number of persons reporting a return to Ukraine on a permanent basis (Council of the European Union, 2023, p. 1), the Council of the EU has reached a political agreement to extend temporary protection for another year, until March 2027 (Council of the European Union, 2025).

D'Odorico (n.d.) highlights a number of risks associated with extending temporary protection beyond the three-year period provided for in European Directive 2001/55. In particular, this concerns legal uncertainty arising from exceeding the established term of the temporary protection mechanism without amending the legislation; the risk of undermining confidence in this instrument as an emergency, temporary response measure; and the possible restriction of refugees' right to seek international protection. The author warns that such a practice could set a dangerous precedent for future crises and undermine the principles of the rule of law in EU migration policy.

In Switzerland, which is not a member of the EU but is part of the Schengen area, the S status mechanism has been in place since the start of the war, which functions on a similar basis (for one year): it grants the right to reside, basic social protection, and the right to attend school, but without the automatic right to long-term employment or permanent residence (State Secretariat for Migration, 2023, pp. 3–4).

In the context of integration into secondary education in EU countries, temporary protection status acts as a “transitional legal mechanism” that ensures the basic rights and needs of the child, but does not guarantee stability or long-term prospects (the need for constant renewal). On the one hand, this creates opportunities for rapid integration into the educational process; on the other hand, it poses risks of fragmentation of the educational path in the event of a change of country of residence, return or loss of legal status.

Therefore, a *child under temporary protection* is a person under the age of 18 who has been forced to leave their country of origin due to armed conflict, mass violence or other extraordinary circumstances and who has been granted collective (group) legal status in the host country without undergoing an individual asylum procedure. This status provides temporary humanitarian protection, guaranteeing the child legal residence, protection from forced return, access to basic rights and services, including education, healthcare, social security and integration support.

In the broader context of studying migration processes involving children from Ukraine during the period of military action, it is also relevant to analyse the category of *migrant children*. This term is actively used in the practice of international organisations such as IOM (International Organisation for Migration), UNICEF, UNESCO, and the UN. However, unlike the category of “refugee”, it does not have a unified normative definition in international law. At the same time, international practice has working definitions that are used for monitoring, legal protection, and planning integration measures.

According to the IOM glossary of terms, based on the definition of “migrant” (IOM, 2019, pp. 132–133), we accept the definition of a *migrant child* as a person under the age of 18 who leaves their place of permanent residence, regardless of whether this movement is within the country or across an international border, temporary or permanent, for various reasons not necessarily related to persecution or armed conflict. This is a general term that covers various legal categories, as well as those whose status is not defined by international law, such as international students or children who have joined their families through reunification.

This definition reflects the realities of modern mobility, in which a child does not necessarily have refugee status but temporarily or permanently resides outside the state of their citizenship or permanent residence. Accordingly, this category may include both children who have migrated for educational, economic or family reasons, and children who have been displaced as a result of emergencies but without refugee status or temporary protection.

Given the flexibility of this term, UNICEF and the European Commission often use the combined concept of “children on the move” (IDAC, n.d.), which is similar to the term “*migrant child*”.

It should be noted that, according to materials prepared for the Global Education Monitoring Report (2019), the level of access to education for migrant children often depends not only on the humanitarian approach of the host country, but also on immigration policy, local legislation and existing administrative barriers (UNESCO, 2018, pp. 9–10).

Unlike refugees, migrant children are not fleeing danger, but may face similar challenges in integrating into education systems. In the context of this study, this category is less relevant, as most Ukrainian children in Germany and Switzerland have refugee status, temporary protection status or S status.

### 3.3. *The most vulnerable categories and children with uncertain status*

In the current context of global migration processes and armed conflicts, there is a growing number of children who find themselves in difficult life circumstances

related to displacement, transit or residence in countries with uncertain legal status. This group of children is particularly vulnerable due to unstable living conditions, limited access to basic rights and services, and an increased risk of social isolation and trauma. They often do not have a clearly defined status in their host country, which complicates their integration into the social and educational environment.

*An asylum-seeking child* is a person under the age of 18 who has applied for international protection (refugee status or temporary protection) in another country and is awaiting an official decision from the competent authority (Council of Europe, n.d.).

According to EU Directive 2011/95/EU, such a child is considered a person in need of special protection, but their legal status remains uncertain until the status determination procedure is completed (European Union, 2001, p. 14). During this period, children do not formally enjoy full legal protection, which is characteristic of persons with refugee or temporary protection status, and therefore may face numerous barriers in exercising their right to education (UNICEF, 2023c, p. 69).

One of the key problems is systemic inequality in access to school education for children with migration experience, especially for those whose legal status has not yet been regulated. According to the findings of the T20 (Think 20) analytical platform, access to education for such children is often complicated by requirements for registration of residence, confirmation of legal status or administrative placement. In practice, this leads to delays in enrolment (Sobane et al., pp. 5–6).

According to Directive 2013/33/EU (Article 14), which establishes standards for the reception of applicants for international protection, access to the education system cannot be delayed for more than three months from the date of submission of an application for international protection by or on behalf of a minor (European Union, 2013, p. 104).

Therefore, children seeking asylum have the right to full integration into the education system regardless of the stage of consideration of their application for international protection. Delaying access to education until official status is granted contradicts the principles of protecting children's rights and creates additional risks of social exclusion, educational gaps and psychological stress. The right to education for this category of children can be realised through immediate inclusion in the educational process, the creation of adaptive teaching programmes, language support, a stable school environment and interdisciplinary assistance.

In the context of integrating children with displacement experience, it is important to analyse the category of stateless children, who are considered one of the most vulnerable among all legal groups.

The lack of citizenship deprives children of the opportunity to fully exercise their basic rights, including the right to education, health care, social protection and legal identity (UNICEF, 2023d, p. 4).

M. Fleming called the problem of stateless children a “time bomb”, but the threat of statelessness for refugee and migrant children born in Europe still remains largely overlooked (Fleming, 2015).

According to Eurostat (2025), as of 1 January 2024, there were 0.2% (12,682) children under the age of 15 who were stateless persons in EU countries.

The increase in refugee and migrant flows in Europe has put pressure on national systems, and gaps in legislation and practices concerning stateless children, which previously affected only a small proportion of the population, are now placing additional pressure on EU Member States. This situation threatens to create a “stateless generation”, especially among children born in conflict or forced migration (Pilatou, 2023), pp. 6–7).

According to a report by the UNHCR (n.d.), there are various reasons why children may be stateless: birth to stateless parents, lack of birth registration, gaps in legislation on the transmission of nationality, discriminatory practices, or displacement during armed conflict without proper documentation.

In practice, European countries that accept displaced persons often encounter administrative barriers that complicate access to formal education for stateless children. One of the main obstacles is the lack of necessary documents – birth certificates, identity cards or proof of legal residence, which are mandatory for enrolment in educational institutions in many EU countries (OECD, 2024, pp. 4–5).

Therefore, taking into account the above, *a stateless child* is a person under the age of 18 who is not recognised as a citizen of any state in accordance with the national legislation applicable to them. This status complicates the realisation of the right to education and requires special mechanisms for protection and integration at the policy level of host countries.

Within the classification of children in the context of migration and mobility, unaccompanied and separated children deserve special attention, as they belong to the most vulnerable categories in situations of forced displacement.

In accordance with inter-agency guidelines developed on the basis of international law and the shared experience of humanitarian organisations (ICRC, UNHCR, UNICEF, Save the Children, IRC, WVI), it has been agreed (International Committee of the Red Cross, 2004, p. 13):

- *a separated child* is a person under the age of 18 who has been separated from both parents or other legal or customary guardians (e.g.,

godparents), but may be accompanied by other adult relatives or acquaintances who do not have formal guardian status;

- *an unaccompanied child* is a person under the age of 18 who is completely separated from their parents, relatives and any adults who are legally or customarily responsible for their care.

The practical importance of this distinction in the context of researching the integration of children from Ukraine into secondary education in Germany and Switzerland is significant.

Firstly, the legal status of these children determines different procedures for providing international protection, including mechanisms for placement, appointment of temporary guardians, provision of social services and access to education (UNHCR, 2014).

Secondly, Germany (BMFSFJ, 2023, pp. 44–83; Bundesministerium der Justiz und für Verbraucherschutz, n.d.) and Switzerland (Schweizerische Eidgenossenschaft, 2005; Schweizerische Stiftung für die Internationale Sozialarbeit, 2017, p. 37–154) have separate administrative protocols for working with each of these categories, which results in varying levels of support, assistance and educational opportunities.

Thirdly, differentiation allows for a more accurate analysis of barriers to educational integration, adaptation strategies of schools and municipalities, and the development of targeted support models (Council of Europe, 2022, p. 45).

Fourthly, in international statistical and analytical reporting (in particular UNHCR, Eurostat, UNICEF), data on unaccompanied and separated children are collected and published separately, which allows for detailed comparative analysis at the level of countries, regions or types of educational institutions (Global Migration Data Analysis Centre, 2017).

*Children deprived of parental care* (Verkhovna Rada of Ukraine, 1999) constitute a special category and require specific consideration in the context of developing mechanisms for integration into the education systems of host countries. These are children who, before the war, were in various forms of alternative care (guardianship is established for children under 14, care for those aged 14 to 18) (Ministry of Social Policy of Ukraine, n.d.) in Ukraine – such as foster families, family-type children's homes, boarding schools – and were evacuated abroad as part of organised groups (Verkhovna Rada of Ukraine, 2023).

Unlike refugee children or asylum seekers, most of them *do not have individual international protection status, but are extremely vulnerable* due to the absence of parental care and require comprehensive support. International organisations draw attention to the high risks of violence, exploitation, isolation and

educational marginalisation faced by such children (Child Rights International Network, 2024). They often arrive accompanied by caregivers or social workers whose status is not always recognised in the legal systems of the destination countries (UNICEF, 2024, p. 10). UNICEF emphasises the need to improve legal clarity and reduce the complexity of procedures for applying international, regional and national legal instruments to protect children deprived of parental care who have been displaced from Ukraine (UNICEF, n.d.).

In the context of the war in Ukraine, such children have been evacuated abroad and require additional guarantees of safety, social protection and access to education. As of September 2024, the Ministry of Social Policy of Ukraine estimated the number of children deprived of parental care who had been evacuated from alternative care institutions at 2 155 (Ministry of Social Policy of Ukraine, 2023).

In the EU, children in alternative care are often classified alongside unaccompanied or separated children, but they require specialised approaches to ensure their educational rights: enrolment in educational institutions, psychological and pedagogical support, legal representation, and individualised integration programmes (UNICEF, 2024, p. 3).

Therefore, *a child in alternative care* is a person under the age of 18 who is temporarily or permanently deprived of parental care and who is provided with accommodation and care outside their biological family in the form of institutional, family or individual care, including foster families, family-type children's homes, residential institutions, guardianship or foster care.

War creates a favourable environment for organised criminal groups, which exploit crisis conditions and lack of control to engage in human trafficking, especially child trafficking. According to UNICEF and the Interagency Coordination Group of UN Agencies on Combating Trafficking in Persons (ICAT), children account for 28% of all identified victims of human trafficking worldwide, and in the Ukrainian context, this proportion may be even higher, given that children account for more than half of all persons who have been forced to leave Ukraine as a result of the armed conflict (UNICEF, 2022).

Organised criminal groups exploit gaps in the protection of children, particularly those who are without parental care, in transit zones, in alternative care systems or in vulnerable situations. As highlighted in the analytical report of the EU Advisory Mission, in conditions of prolonged armed conflict, such crimes do not decrease but, on the contrary, become more complex and evolve (EUAM Ukraine, 2025).

International law defines child trafficking as the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, regardless

of whether any illegal means are used. Such exploitation includes sexual exploitation, forced labour, slavery, organ trafficking, participation in armed groups, begging, illegal activities, forced adoption, early marriage, etc. (UNICEF, 2006, p. 9).

For the purposes of this study, we will assume that *a child victim of cross-border trafficking* is a person under the age of 18 who has been moved across a state border for the purpose of exploitation (including sexual exploitation, forced labour, involvement in armed conflict, begging, forced marriage, organ trafficking, etc.), regardless of the form of consent given by the child or their legal representatives or the method of transportation.

### 3.4. Categories of children who remain in their country of origin

When studying the integration processes of children from Ukraine into the secondary education systems of European countries, it is necessary to pay attention not only to the categories of children who have crossed the border, but also to those vulnerable groups that have remained in their country of origin. This provides a comprehensive overview of the scale of child mobility and its consequences, as well as an understanding of the internal mechanisms that influence education systems both in Ukraine and beyond.

These categories include internally displaced children and children who remain in their country of origin when their parents migrate. Their situation directly affects their access to quality education, social protection and stable psycho-emotional development.

Article 1 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” establishes the basic term (Verkhovna Rada of Ukraine, 2014).

In an international context, the internal displacement of children is addressed, in particular, in the UN Guiding Principles on Internal Displacement, according to which children are entitled to special protection in the event of displacement. In particular, according to Principle 23, authorities shall ensure that displaced children receive free and compulsory primary education (OCHA, 2004, p. 12).

Therefore, taking into account Ukrainian legislation and the international approach: *an internally displaced child* is a person under the age of 18 who has been forced to leave or abandon their place of residence as a result of or in order to avoid the negative consequences of armed conflict, temporary occupation, widespread violence, human rights violations, and natural or man-made emergencies.

The category of children who remain in their country of origin when their parents migrate does not have a clearly defined definition in Ukrainian legislation,

but is actively considered within the framework of international human rights and social initiatives.

For example, UNICEF highlights the particular vulnerability of children left without adequate parental care as a result of economic migration. Children who go through this experience face numerous challenges in the areas of education and health care, as well as a variety of psychosocial problems (Bakker et al., 2009, p. 2).

As part of the international project “The World of Children – International Study of Child Well-being” (ISCWeB), survey data from more than 13,500 schoolchildren from six European countries with a post-communist past was analysed. The study found that children who remain in their country of origin when their parents migrate generally demonstrate lower levels of subjective well-being compared to those who live with their parents. This gap is particularly noticeable among girls and increases with age. In addition, the status of a child abandoned by their parents is associated with lower levels of satisfaction with family relationships and the school environment (Bălțătescu et al., 2023, p. 1941).

At the same time, the long-term impact of parental emigration on children who remain in their country of origin does not necessarily have negative consequences in terms of education and mental health. In particular, Norori, Barrass, Redaniel, Lee, Howe, and Knipe (2025) found no consistent link between the experience of parental migration and a deterioration in the child’s psychological well-being in the long term. One possible explanation is that, over time, the positive effects, such as increased economic stability for the family and access to new opportunities, may partially offset the potential risks to the child’s well-being (p. 6).

Therefore, *a child left behind by migrant parents* is a person under the age of 18 whose one or both parents have left the country for an extended period of time in search of work or for other reasons, leaving the child in the care of relatives or acquaintances.

Identifying these categories of children who remain in their country of origin as distinct allows not only for the classification of children according to their migration trajectory, but also for the development of educational, social and psychosocial interventions aimed at preventing marginalisation and educational loss. The experience of integrating children from Ukraine into the secondary education systems of Germany and Switzerland must take into account the connection with those who remain in Ukraine, particularly in the context of family separation or return after temporary protection.

## 4. Conclusion

Based on the analysis of the literature, the authors have developed *a comprehensive classification of children categories* in the context of migration and mobility, which includes:

1. Children in the host country with official status and a certain level of protection:

- refugee children;
- children under temporary protection;
- migrant children.

2. Children in a state of displacement/transit/undetermined status:

- children seeking asylum;
- stateless children;
- unaccompanied children;
- separated children;
- children in alternative care;
- children who are victims of cross-border trafficking.

3. Children who remain in their country of origin:

- internally displaced children;
- children left behind by migrant parents.

This classification of children categories in the context of migration and mobility, formed at the intersection of international legal norms and interagency approaches, allows for a comprehensive reflection of the diversity of situations in which children find themselves. It covers both traditionally legally defined statuses (refugee children, asylum seekers, persons under temporary protection) and categories that reflect complex social contexts (unaccompanied children, children remaining in their country of origin, stateless children). This combination makes it possible to take into account both the legal and humanitarian and educational aspects of child mobility.

A distinctive feature of this classification is its interdisciplinary nature: it takes into account international law standards (the UN Convention on the Rights of the Child, the Geneva Convention on the Status of Refugees, EU directives) and analytical approaches of international organisations, in particular IDAC, UNHCR, IOM, UNICEF. This makes it flexible and suitable for use in comparative studies covering not only the legal status of children, but also their actual educational and social needs in the context of integration into the education system of the host country.

**ABSTRACT:** The legal status and classification of children in European Union countries in the context of migration and mobility caused by full-scale war has been analysed. The aim of the study is to develop an author's classification of categories of children displaced by war, taking into account international legal norms and EU practices. The analysis employed theoretical, comparative-legal, analytical, and interdisciplinary methods. The paper highlights the following main categories: refugee children, children under temporary protection, migrant children, asylum seekers, stateless children, unaccompanied children, separated children, children in alternative care, victims of human trafficking, as well as internally displaced children and those who remained in Ukraine when their parents migrated. Particular attention is paid to ensuring the right to education for children from Ukraine in Germany and Switzerland, as well as the risks associated with prolonged temporary protection and uncertain status. The result is a systematic classification that integrates the legal, humanitarian and educational dimensions of child mobility and can be used as an analytical basis for developing policies to protect and integrate refugee children into the education systems of host countries.

**KEYWORDS:** migrant children, legal status of children, migration, integration into education, general education

**STRESZCZENIE:** Przeanalizowano status prawny i klasyfikację dzieci w krajach Unii Europejskiej w kontekście migracji i mobilności spowodowanej wojną na pełną skalę. Celem badania jest opracowanie autorskiej klasyfikacji kategorii dzieci przesiedlonych wskutek wojny, uwzględniającej międzynarodowe normy prawne i praktyki UE. Do analizy zastosowano metody teoretyczne, porównawczo-prawne, analityczne i interdyscyplinarne. W artykule wyróżniono następujące główne kategorie: dzieci uchodźców, dzieci objęte ochroną tymczasową, dzieci migrantów, osoby ubiegające się o azyl, dzieci bezpaństwowe, dzieci nieletnie bez opieki, dzieci rozdzielone, dzieci w pieczy zastępczej, ofiary handlu ludźmi, a także dzieci przesiedlone wewnętrznie oraz te, które pozostały w Ukrainie, gdy ich rodzice migrowali. Szczególną uwagę poświęcono zapewnieniu prawa do edukacji dzieci z Ukrainy w Niemczech i Szwajcarii oraz ryzykom związanym z przedłużającą się ochroną tymczasową i niepewnym statusem. Wynikiem jest systematyczna klasyfikacja integrująca prawne, humanitarne i edukacyjne wymiary mobilności dzieci, która może służyć jako podstawa analityczna do opracowywania polityk ochrony i integracji dzieci uchodźców w systemach edukacji krajów przyjmujących.

**SŁOWA KLUCZOWE:** dzieci migrantów, status prawny dzieci, migracja, integracja w edukację, edukacja ogólna

**АНОТАЦІЯ:** Проаналізовано правовий статус і класифікацію дітей у країнах Європейського Союзу в контексті міграції та мобільності, викликані повномасштабною війною. Метою дослідження є розробка авторської класифікації категорій дітей, переміщених через війну, з урахуванням міжнародних правових норм і практик ЄС. Для аналізу застосовано теоретичні, порівняльно-правові, аналітичні та міждисциплінарні методи. У статті виділено наступні основні категорії: діти-біженці, діти під тимчасовим захистом, діти мігрантів, особи, які подають надання притулку, діти без громадянства, неповнолітні без супроводу, розділені діти, діти у замісній опіці, жертви торгівлі людьми, а також внутрішньо переміщені діти та ті, що залишилися в Україні, коли їхні батьки мігрували. Особливу увагу приділено

забезпеченню права на освіту дітей з України в Німеччині та Швейцарії, а також ризикам, пов'язаним із тривалим тимчасовим захистом і невизначеним статусом. Результатом є систематична класифікація, яка інтегрує правові, гуманітарні та освітні аспекти мобільності дітей і може слугувати аналітичною основою для розробки політик захисту та інтеграції дітей-біженців у системи освіти країн прийому.

КЛЮЧОВІ СЛОВА: діти мігрантів, правовий статус дітей, міграція, інтеграція в освіту, загальна освіта

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